



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Conduct a Public Hearing to:

1. Consider the request of Lori W. McIntosh on behalf of Southwest Associates to prezone the 21.46 acre parcel at 630 East State Route 12 (APN 058-030-02) to C-S, Commercial Shopping; and
2. to certify the filing of a Negative Declaration by the Community Development Director as adequate environmental documentation on the above project.

MEETING DATE: February 7, 1996

PREPARED BY: Community Development Director

RECOMMENDED ACTION: That the City Council conduct a Public Hearing to:

1. Consider the request of Lori W. McIntosh on behalf of Southwest Associates to prezone the 21.46 acre parcel at 630 East State Route 12 (APN 058-030-02) to C-S, Commercial Shopping; and
2. to certify the filing of a Negative Declaration by the Community Development Director as adequate environmental documentation on the above project.

BACKGROUND INFORMATION: The above requests of Lori W. McIntosh on behalf of Southwest Associates were initiated by City Council action at its meeting of March 1, 1995. The matter was continued at the request of Ms. McIntosh so that Southwest Associates and the owners of the parcel to the north, across Kettleman Lane, could meet with Michael Friedman to discuss permitted land uses.

Although the land use question has not been answered, a new problem appears to require the early annexation of these parcels. In December 1995, the Board of Supervisors unilaterally canceled the annexation property tax agreements effective June 13, 1996. The County is now seeking to split all taxes (i.e., property, sales, TOT, etc.) on newly annexed property.

At the Planning Commission meeting of Monday, January 22, 1996, the Commission recommended approval of the above requests by the following vote:

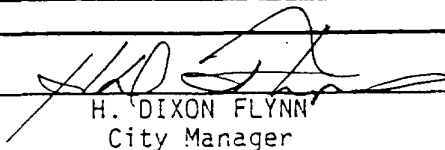
Ayes: Commissioners McGladdery, Rasmussen, Rice, Stafford and Chairman Marzolf.

Noes: Commissioners Lapenta and Schmidt.

By the same vote, the Planning Commission recommended that the City Council make the following findings concerning the project:

1. That the Plot Plan (LMC 17.30.100) and Development Schedule (LMC 17.30.100) are not approved at this time;
2. that the Plot Plan and Development Schedule are held in abeyance until such time that the City Council, Planning Commission and property owners have agreed on a new zoning classification which will outline the permitted uses; and
3. that the approval is with the understanding that future development will conform and be consistent with the plans and policies of the Downtown Revitalization Plan.

APPROVED: _____


H. DIXON FLYNN
City Manager




CC-1

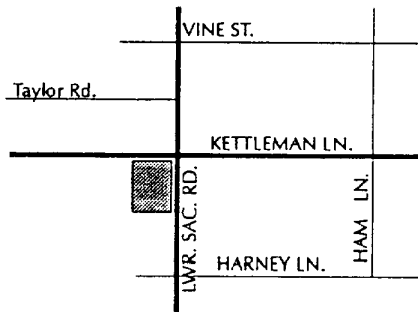
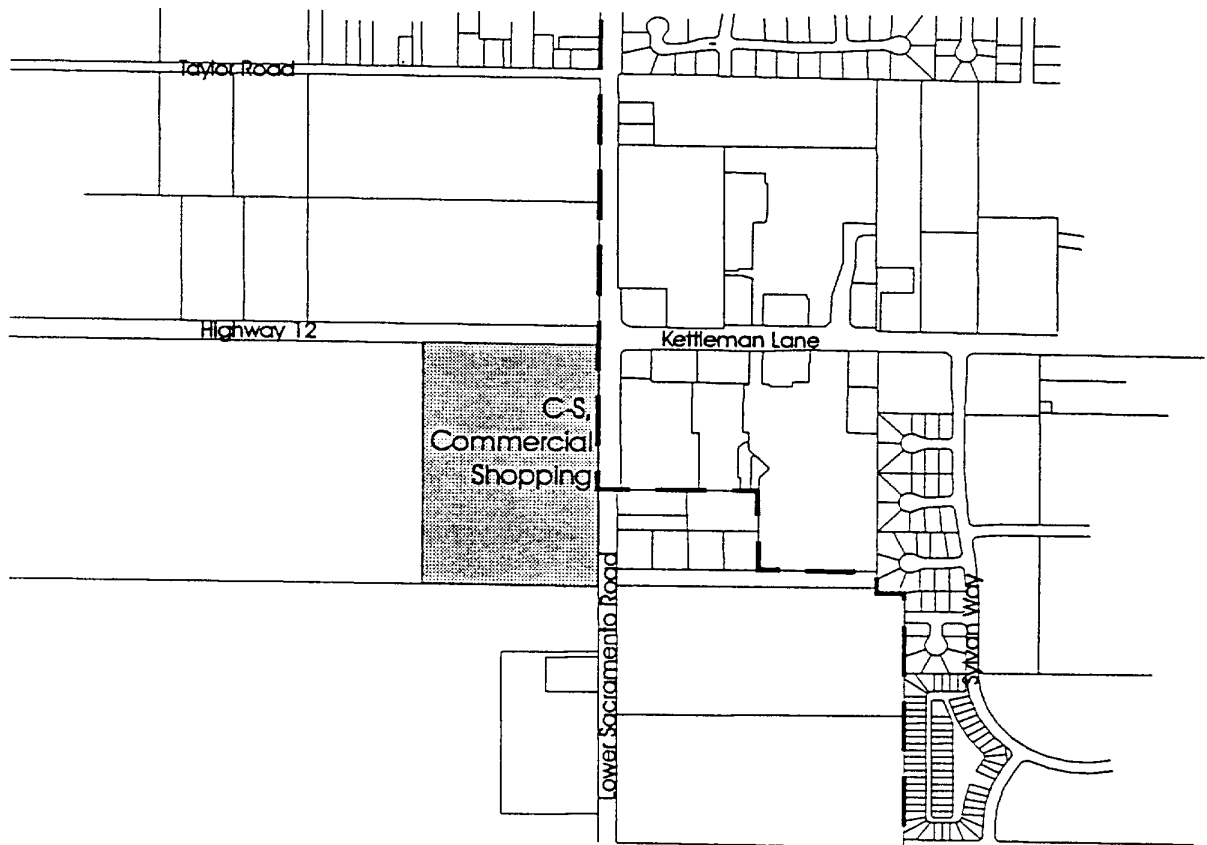
Council Communication
February 7, 1996
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The LAFCO Executive Officer has informed the City that in order for an annexation to be considered at the April 19, 1996 LAFCO meeting, it must be received by his office by March 11, 1996. LAFCO policy requires that all property proposed for annexation must be rezoned. If the City Council fails to approve the rezoning, the annexation will not be accepted by the LAFCO staff.

FUNDING: None Required


for James B. Schroeder
Community Development Director

JBS/lw



VICINITY MAP



Lodi South West Associates
 650 East State Route Hwy. 12
 Prezone to C-S, Commercial Shopping
 Z-95-06 1/22/96

ORDINANCE NO. 1624

AN ORDINANCE OF THE LODI CITY COUNCIL
AMENDING THE OFFICIAL DISTRICT MAP OF THE CITY OF LODI
AND THEREBY PREZONING THE PARCEL LOCATED AT 630 EAST STATE
ROUTE 12 (APN 058-030-02) TO C-S, COMMERCIAL SHOPPING

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

Section 1. The Official District Map of the City of Lodi adopted by Title 17 of the Lodi Municipal Code is hereby amended as follows:

The 21.46 acre parcel located at 630 East State Route 12 (APN 058-030-02) is hereby prezoned C-S, Commercial Shopping, as shown on the Vicinity Map on file in the office of the City Clerk.

Section 2. The alterations, changes, and amendments of said Official District Map of the City of Lodi herein set forth have been approved by the City Planning Commission and by the City Council of this City after public hearings held in conformance with provisions of Title 17 of the Lodi Municipal Code and the laws of the State of California applicable thereto.

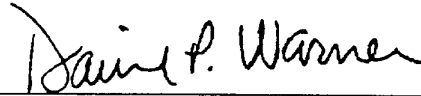
Section 3 - No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 4 - Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

Section 5. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 6. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this 21st day of February, 1996



DAVID P. WARNER

Mayor

Attest:



JENNIFER M. PERRIN

City Clerk

State of California

County of San Joaquin, ss.

I, Jennifer M. Perrin, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1624 was introduced at a regular meeting of the City Council of the City of Lodi held February 7, 1996 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held February 21, 1996 by the following vote:

Ayes: Council Members - Mann, Pennino, Sieglock and
Warner (Mayor)

Noes: Council Members - Davenport

Absent: Council Members - None

Abstain: Council Members - None

I further certify that Ordinance No. 1624 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.



JENNIFER M. PERRIN

City Clerk

Approved as to Form:



RANDALL A. HAYS

City Attorney

CITY COUNCIL

DAVID P. WARNER, Mayor
PHILLIP A. PENNINO
Mayor Pro Tempore
RAY G. DAVENPORT
STEPHEN J. MANN
JACK A. SIEGLOCK

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6711
FAX (209) 333-6842

H. DIXON FLYNN
City Manager
JENNIFER M. PERRIN
City Clerk
RANDALL A. HAYS
City Attorney

January 25, 1996

Ms. Lori W. McIntosh, President
Lodi Southwest Associates
301 S. Ham Lane, Suite A
Lodi, CA 95242

Subject: General Plan Amendment
Prezoning
Negative Declaration
630 East State Route 12 (APN 058-030-02)

At its meeting of Monday, January 22, 1996 the Lodi City Planning Commission recommended approval of the following actions initiated by the Lodi City Council:

1. The request of Lori W. McIntosh on behalf of Southwest Associates to prezone the 21.46 acre parcel at 630 East State Route 12 (APN 058-030-02) to C-S, Commercial Shopping; and
2. certification of the filing of a Negative Declaration by the Community Development Director as adequate environmental documentation on the above project.

In regard to the Prezoning, the Planning Commission is recommending that the City Council make the following findings:

1. That the Plot Plan (LMC 17.30.100) and Development Schedule (LMC 17.30.100) are not approved at this time;
2. that the Plot Plan and Development Schedule are held in abeyance until such time that the City Council, Planning Commission and property owners have agreed on a new zoning classification which will outline the permitted uses; and
3. that the approval is with the understanding that future development will conform and be consistent with the plans and policies of the Downtown Revitalization Plan.



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: February 7, 1996

Time: 7:00 p.m.

For information regarding this notice please contact:

Jennifer M. Perrin

City Clerk

Telephone: (209) 333-6702

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, February 7, 1996** at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing to consider the following matter:

- a) Consider the request of Lori W. McIntosh on behalf of Southwest Associates to prezone the 21.46 acre parcel at 630 East State Route 12 (APN 058-030-02) to C-S, Commercial Shopping; and
- b) Certify the filing of a Negative Declaration by the Community Development Director as adequate environmental documentation on the above project.

Information regarding this item may be obtained in the office of the Community Development Director at 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

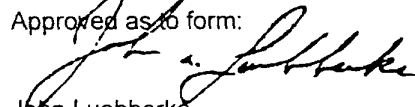
If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order of the Lodi City Council:


Jennifer M. Perrin
City Clerk

Dated: January 17, 1996

Approved as to form:


John Luebberke
Deputy City Attorney



DECLARATION OF MAILING

Public Hearing - SOUTHWEST ASSOCIATES

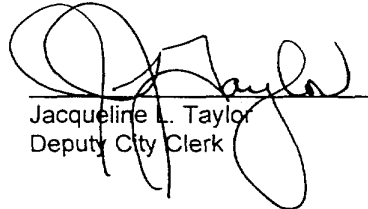
On January 18, 1996 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 18, 1996, at Lodi, California.

Jennifer M. Perrin
City Clerk



Jacqueline L. Taylor
Deputy City Clerk

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CITY COUNCIL

DAVID P. WARNER, Mayor
PHILLIP A. PENNINO,
Mayor Pro Tempore
RAY G. DAVENPORT
JACK A. SIEGLOCK
STEPHEN J. MANN

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6702
FAX (209) 333-6807

H. DIXON FLYNN
City Manager
JENNIFER M. PERRIN
City Clerk
RANDALL A. HAYS
City Attorney

February 8, 1996

Lori McIntosh, President
Lodi Southwest Associates
301 S. Ham Lane, Suite A
Lodi, CA 95242

RE: Crossroads Reorganization

We are in receipt of your request that we proceed with the annexation to the City of the above referenced parcel.

In order for the City of Lodi to proceed with the annexation of this parcel, it will be necessary for you to pay the following filing fees:

LAFCO	\$1,187.50 (one-half of the new development fees)
City of Lodi	\$1,000.00 (one-half of the annexation fee)
<hr/>	
	\$2,187.50

Please issue two separate checks (one payable to LAFCO; the other the City of Lodi), and mail or deliver to the City Clerk's office. You will be required to issue a check to the State Board of Equalization; however, we will notify you at the appropriate time as to the amount.

Should you have any questions regarding this matter, please do not hesitate to call this office.

Sincerely,


Jennifer M. Perrin
City Clerk

JLT

cc: James B. Schroeder,
Community Development Director